**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**

TUESDAY THE EIGHTH DAY OF AUGUST TWO THOUSAND AND SIX
: PRESENT :
THE HON'BLE SRI.JUSTICE : BILAL NAZKI

CRIMINAL PETITION No.835 OF 2006

Between:

1.Dr. Pachipala Neeraja
2.Dr.Pachipala Phennendranath Reddy. … Petitioners/Accused

And

The State of A.P. rep. by its Public Prosecutor,
High Court of A.P., Hyderabad. ..
Respondent/
Complainant

Petition under Section 482 of Crl.P.C. praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to quash the proceedings in CC No.430/2003 on the file of II Additional Judicial First Class Magistrate, Eluru.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and the order of the High Court dated 28.04.2006 made in Crl.MP No.664 of 2006 and upon hearing the arguments of Sri C. Masthan Naidu, Advocate for the Petitioners and of the Public Prosecutor, on behalf of the Respondent.

THE COURT MADE THE FOLLOWING ORDER :

"Heard learned counsel for the parties.

The petition has been filed to quash the charge sheet in Cr.No.150 of 2003. Accused No.1 was the person who conducted an operation of caesarian over a patient during the day. It is mentioned in the charge sheet that the Doctor (A-1) is using her residence as a hospital. In the ground floor, she operates and in the 1st floor, she lives. After conducting the operation, she went to her room in the 1st floor and in mid night, the patient complained of pain and on many occasions, the relatives of the patient went to the Doctor and asked her to see the patient, which she did not do. She came in the morning when the patient had already died. These are the allegations contained in the charge sheet. As such, there is no ground to quash the proceedings against A-1. Therefore, the stay granted by this Court on 28.04.2006 is vacated as far as A-1 is concerned and the trial Court is directed to proceed against her.

As regards 2nd petitioner i.e. A-2 and husband of A-1, there is no allegation in the charge sheet as such. Therefore, the stay shall continue as far as A-2 is concerned. The learned counsel for petitioners shall produce the copies of statements recorded by Police under Section 161 Cr.P.C., by next date.

List on 22.08.2006."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The II Additional Judicial First Class Magistrate, Eluru.

2.Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad.(OUT)

4.One spare copy.

5.One CC to Sri C. Masthan Naidu, Advocate.

H.A.

# HIGH COURT

**BNJ**

**DATED : 08-08-06**

**NOTE : LIST ON 22.08.2006**

**ORDER :**

**CRL.P. NO.835/06**

**DIRECTION**